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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Maass, et al.  
Serial No.: 09/672,393  
Filed: September 28, 2000  
Group Art Unit: 3634  
Examiner: Redman, Jerry E.  
Title: MOTOR VEHICLE DOOR

**APPEAL BRIEF**

BOX AF  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Subsequent to the filing of the Notice of Appeal on August 9, 2002, Appellant hereby submits its brief. The Commissioner is authorized to charge deposit account no 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for the \$320.00 appeal brief fee. Any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C.

**REAL PARTY IN INTEREST**

The real party in interest is Meritor Automotive GmbH, the assignee of the entire right and interest in this Appellant.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

**STATUS OF CLAIMS**

Claims 1-13 and 23 stand finally rejected under 102(b) and claims 14-22 and 24 stand finally rejected under 103(a).

**STATUS OF AMENDMENTS**

All amendments have been entered.

### SUMMARY OF THE INVENTION

As shown in Figure 1, this invention relates to a motor vehicle door 10 including a hollow interior space 16 formed between an interior sheet metal 12 and an exterior sheeting 14. The interior sheet metal 12 includes an opening 18 which is closed by a base plate 20 of a carrier module carrying at least one functional part 24 from the hollow interior space 16 of the door 10. The door 10 further includes an access opening 22 sized large enough to allow entry of the carrier module into the interior space 16 of the door 10. This basic structure is set forth in Claim 10. Independent claim 22 further adds that the carrier module carries a window lifting arrangement 24 including a pair of rigidly connected guide rails 24A and 24B for a windowpane 28.

Dependent claim 11, which depends on claim 10, adds that the access opening 22 to the interior space 16 of the door 10 is closed by the exterior sheeting 14. Dependent claim 12, which also depends on claim 10, adds that the access opening 22 to the interior space 16 of the door 10 is provided in the interior sheet metal 12 and is closed by a closing plate 30. Claim 13, which depends on claim 12, adds that the closing plate 30 includes the opening 18 to the interior sheet metal 12 which is closed by the carrier module.

Dependent claim 14 adds that the carrier module carries at least one guide rail 24A and 24B of a windowpane 28. Claim 15, which depends on claim 10, adds that the carrier module carries a window lifting arrangement 24 including a pair of guide rails 24A and 24B which are rigidly connected for a windowpane 28. Claim 18, which depends on claim 15, adds that the window lifting arrangement 24 features a diecast part as a carrying structure.

### ISSUES

- A. Are Claims 10-13 and 23 properly rejected under 35 U.S.C. 102(b) based on Szerdahelyi et al.?
- B. Is Claim 11 properly rejected under 35 U.S.C. 102(b) based on Szerdahelyi et al.?
- C. Is Claim 12 properly rejected under 35 U.S.C. 102(b) based on Szerdahelyi et al.?

- D. Is Claim 13 properly rejected under 35 U.S.C. 102(b) based on Szerdahelyi et al.?
- E. Are claims 14-22 and 24 properly rejected under 35 U.S.C. 103(a) based on Szerdahelyi et al. in view of Carlo?
- F. Is claim 18 properly rejected under 35 U.S.C. 103(a) based on Szerdahelyi et al. in view of Carlo?

#### GROUPINGS OF CLAIMS

- A. The rejection of Claims 10-13 and 23 is contested.
- B. The rejection of Claim 11 is separately contested, that is, the rejection of the Claim does not stand or fall with the rejection of the other Claims.
- C. The rejection of Claim 12 is separately contested, that is, the rejection of the Claim does not stand or fall with the rejection of the other Claims.
- D. The rejection of Claim 13 is separately contested, that is, the rejection of the Claim does not stand or fall with the rejection of the other Claims.
- E. The rejection of Claims 14-22 and 24 is contested.
- F. The rejection of Claim 18 is separately contested, that is, the rejection of the Claim does not stand or fall with the rejection of the other claims.

#### PATENTABILITY ARGUMENTS

- A. The rejection of Claims 10-13 and 23 under 35 U.S.C. 102(b) is improper.

Claims 10-13 and 23 stand rejected under 35 U.S.C. §102(b) as anticipated by Szerdahelyi et al. (U.S. Patent No. 6,076,882). Szerdahelyi discloses an inner door panel 1b with an opening 10 through which an outer door panel 1a is visible. A module support 3 including a mounted window lift mechanism 31 closes the opening 10. In the upper area of the module support 3, there are two assembly openings 3a and 3b through which connection is made during assembly between a lift rail 31a and the fixing elements 20 of a window pane 2. The window lift mechanism 31 is mounted on the side of the module support 3 which faces the outer door panel 1a of the door, or the wet side. The present invention is patentable and strikingly different from Szerdahelyi. As described by the claims, the present invention provides a motor vehicle door having:

...a carrier module that closes said opening and carries at least one functional part of said motor vehicle door, said carrier module including a base plate which closes said opening of said interior sheet metal from a side of said hollow interior space of said door, and an access opening sized large enough to allow entry of said carrier module into said interior space of said door.

[See Claim 10. Claims 10-24 of the present invention all share this same or similar feature. [See Claims 10-24].

Appellant's claims require an access opening sized to allow entry of the carrier module in an interior space of the door formed between and exterior sheeting and an interior sheet metal. The Examiner contends that the access opening of Appellant's invention is equivalent to the assembly openings 3a and 3b of Szerdahelyi. In Szerdahelyi, the openings 3a and 3b are in the module support 3, and are therefore smaller than the module support 3. Therefore, as the openings 3a and 3b of Szerdahelyi are part of the module support 3 and are smaller than the module support 3, the openings 3a and 3b cannot be sized large enough to allow entry of the module support into an access space as required by Appellant's claims.

Additionally, Appellant's claims require that the carrier module enters into an interior space of the door between an interior sheet metal and an exterior sheeting. Szerdahelyi does not disclose that the module support 3 can fit into any space between the outer door panel 10 and the inner door panel 1b. In column 3, lines 56 to 58, Szerdahelyi discloses that the module support 3 closes the opening 10 formed in inner door panel 1b, but does not disclose that the module support 3 can fit into an opening formed between the inner door panel 1b and the outer door panel 1a. Claims 10-13 and 23 are not obvious.

**B. The rejection of Claim 11 under 35 U.S.C. 102(b) is improper.**

The rejection of Claim 11 is separately contested from the rejection of Claims 10 et al. Claim 11 sets forth that the access opening to the hollow interior space of the door is closed by the exterior sheeting. The Examiner is calling the access opening the assembly openings 3a and 3b. As shown in Figures 1b and 1c, the openings 3a and 3b are closed by the manual operating means 5 and the side air bag 6, and not by the outer door panel 1a as required by Appellant's claims. The outer door panel 1a of Szerdahelyi does not close the openings 3a and 3b in any way. Claim 11 is further not anticipated by Szerdahelyi.

**C. The rejection of Claim 12 under 35 U.S.C. 102(b) is improper.**

The rejection of Claim 12 is separately contested from the rejection of Claims 10 et al. Claim 12 sets forth that the access opening to the hollow interior space of the door is provided in the interior sheet metal and is closed by a closing plate. The Examiner is calling the access opening the assembly openings 3a and 3b. As shown in Figures 1b and 1c, the openings 3a and 3b are closed by the manual operating means 5 and the side air bag 6, and not by the inner door panel 1b as required by Appellant's claims. The inner door panel 1b of Szerdahelyi does not close the openings 3a and 3b in any way. Claim 12 is further not anticipated by Szerdahelyi.

**D. The rejection of Claim 13 under 35 U.S.C. 102(b) is improper.**

The rejection of Claim 13 is separately contested from the rejection of Claims 10 et al. Claim 13 sets forth that the closing plate includes the opening closed by the carrier module. Szerdahelyi does not disclose a closing plate including an opening closed by a carrier module. In Szerdahelyi, the module support 3 closes the cutout opening 10 in the inner door panel 1b. However, the inner door panel 1b does not close an access opening or any other opening as required by Appellant's claims. Appellant's claims require that the closing plate having the opening also closes an access opening in the interior sheet metal. Claim 13 is further not anticipated by Szerdahelyi.

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**E. The rejection of Claims 13-22 and 24 under 35 U.S.C. 102(b) is improper.**

Claims 14-22 and 24 stand rejected under 35 U.S.C. §103(a) as obvious over Szerdahelyi in view of Carlo (U.S. Patent No. 6,233,875). Carlo discloses a sealed module for a vehicle door. As shown in the Figure, the window raiser 6 is mounted on the dry side of the module 1 facing away from the exterior door panel. As disclosed in column 3, lines 66 to column 4, line 2 of Szerdahelyi, the window lift mechanism 31 is mounted on the side facing the outer door panel 1a (wet side) and the motorized driver 31f is located on the outer side that faces the inner door trim (dry side). Therefore, the electrical components are in the "dry chamber" of the door and sealed from moisture. The Examiner contends that it would be obvious to provide the window raiser of Carlo in Szerdahelyi, and therefore claims 13-22 and 24 are obvious.

If Carlo was truly combined with Szerdahelyi, the window lift mechanism 31 would face away from the outer door panel and be located on the dry side. Szerdahelyi requires that the window lift mechanism 31 is located on the wet side as the motorized driver 31f and the electrical components are in the dry side. There is no suggestion to combine these references, and Appellant's claims are not obvious.

Additionally, while guide rails are disclosed in Carlo, Appellant respectfully disagrees that it would have been obvious to use guide rails in Szerdahelyi. Appellant is claiming a unique motor vehicle door including guide rails, and is not claiming to have invented guide rails for a vehicle door. It would not be obvious to use guide rails in Szerdahelyi, and Appellant respectfully requests that the rejection be withdrawn.

**F. The rejection of Claim 18 under 35 U.S.C. 103(a) is improper.**

The rejection of Claim 18 is separately contested from the rejection of Claims 14 et al. Claim 18 adds that the windowlifting arrangement features a diecast part as a carrying structure. Carlo discloses a module including a plate of an injected molded material such as polypropylene, polyphenylene, or polyethylene having a peripheral part of polyamide. Neither Szerdahelyi nor Carlo discloses or suggests a diecast part as required by Appellant's claims. A diecast carrying structure is not disclosed or suggested in either reference, and Claim 18 is further not obvious in view of Szerdahelyi and Carlo

**CLOSING**

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully submitted,

**CARLSON, GASKEY & OLDS, P.C.**



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Dated: October 8, 2002

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to Examiner Redman at the United States Patent and Trademark Office, Art Unit 3634, After Final, 703-872-9327 on October 8, 2002.



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**CLAIM APPENDIX**

10. A motor vehicle door comprising:  
an interior sheet metal;  
an exterior sheeting;  
a hollow interior space formed between said exterior sheeting and said interior sheet metal;  
an opening in said interior sheet metal;  
a carrier module that closes said opening and carries at least one functional part of said motor vehicle door, said carrier module including a base plate which closes said opening of said interior sheet metal from a side of said hollow interior space of said door;  
and  
an access opening sized large enough to allow entry of said carrier module into said interior space of said door.
11. The motor vehicle door as recited in claim 10 wherein said access opening to said hollow interior space of said door is closed by said exterior sheeting, said exterior sheeting further including a carrier frame.
12. The motor vehicle door as recited in claim 10 wherein said access opening to said interior space of said door is provided in said interior sheet metal and is closed by a closing plate.
13. The motor vehicle door as recited in claim 12 wherein said closing plate includes said opening of said interior sheet metal and is closed by said carrier module.
14. The motor vehicle door as recited in claim 10 wherein said carrier module carries at least one guide rail of a window pane which is lifted and lowered.
15. The motor vehicle door as recited in claim 10 wherein said carrier module carries a window lifting arrangement including a pair of guide rails which are rigidly connected for a window pane which is lifted and lowered.



16. The motor vehicle door as recited in claim 15 wherein a rigid connection of said pair of guide rails includes a window driving member.
17. The motor vehicle door as recited in claim 16 wherein said window driving member includes at least one connecting brace accepting a traction cable.
18. The motor vehicle door as recited in claim 15 wherein said window lifting arrangement features a diecast part as a carrying structure.
19. The motor vehicle door as recited in claim 14 wherein said carrier module carries an additional functional part.
20. The motor vehicle door as recited in claim 15 wherein said pair of guide rails carries an additional functional part.
21. The motor vehicle door as recited in claim 17 wherein said at least one brace carries an additional functional part.
22. A motor vehicle door comprising:  
an interior sheet metal;  
an exterior sheeting;  
a hollow interior space formed between said exterior sheeting and said interior sheet metal;  
an opening in said interior sheet metal;  
a carrier module that closes said opening and carries a window lifting arrangement, said window lifting arrangement including a pair of rigidly connected guide rails for a window pane which is lifted and lowered, said carrier module further including a base plate which closes said opening from a side of said hollow interior space of said door; and  
an access opening sized to allow entry of said carrier module into said interior space of said door.

23. The motor vehicle door as recited in claim 10 wherein said base plate is received in said opening.

24. The motor vehicle as recited in claim 22 wherein said base plate is received in said opening.